

Entered

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

FEB 28 1986

JACK D. SILVER, CLERK
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROGER L. KINNEY, M.D.,

Defendant.

No. 85-CR-106-B

O R D E R

Before the Court is defendant's Motion for Reduction of Sentence pursuant to Rule 35 of the Federal Rules of Criminal Procedure. On January 22, 1986, the Court received a letter from defendant requesting a reduction of sentence. The Court treated this letter as a Motion for Reduction of Sentence. On January 30, 1986, the Government responded and objected to defendant's Motion. Subsequently, on February 26, 1986, defendant's attorney filed a formal Motion for Reduction of Sentence which restates the contentions made in defendant's letter. Defendant requests that he be released from prison by May 1986. For the reasons set forth below, defendant's Motion is denied. However, exercising its discretion under Rule 35(b), the Court hereby modifies defendant's sentence to three years imprisonment followed by a Special Parole Term of four years.

Defendant was indicted on August 7, 1985, on 82 counts of illegal drug distribution, federal income tax evasion and operating a continuing criminal conspiracy. On November 1, 1985, defendant pleaded guilty to 15 counts and received the following sentences:

Count 1 - Conspiracy to possess and distribute cocaine,
21 U.S.C. §846, four (4) years in prison.

Counts 2,3,4,5,6,7,8,9,10,11,12,& 13 - Distribution of a Schedule II controlled drug not in the usual course of professional practice, 21 U.S.C. §841(a)(1) and 18 U.S.C. §2(b), four (4) years and Special Parole Term of four (4) years as to each count.

Count 55 - Distribution of a Schedule II controlled drug not in the usual course of professional practice, 21 U.S.C. §841(a)(1) and 18 U.S.C. §2(b), four (4) years and Special Parole Term of four (4) years. Sentence of imprisonment imposed in counts 2 through 13 and 55 to run concurrently with sentence imposed in Count 1.

Count 80 - Federal income tax evasion, 26 U.S.C. §7201, imposition of sentence suspended and defendant placed on probation for a period of four (4) years to commence upon expiration of sentence imposed in Count 55.

Defendant now seeks a reduction of his sentence to allow him to be released from prison in time to appear before the Oklahoma State Board of Medical Examiners in May 1986, to seek reinstatement of his license to practice medicine. The Government objects thereto, contending that a reduction of defendant's sentence will jeopardize the message which defendant's sentence sent to the medical community regarding abuse of prescription drug dispensing.

Under Rule 35, a trial judge may reduce a lawful sentence if, upon reflection, the court believes the sentence to be unduly harsh. Wright, Federal Practice & Procedure: Criminal 2d §581 (1982). Given the serious nature of the charges to which defendant pleaded guilty, the Court finds its sentence of November 1, 1985, is not unduly harsh. Therefore, defendant's request to be released from prison by May 1986 is denied.

A Motion under Rule 35(b) is a plea for leniency addressed to the discretion of the sentencing court. Wright, supra; U.S. v. Galoob, 573 F.2d 1167 (10th Cir. 1978); U.S. v. Eastman, 758 F.2d 1315 (9th Cir. 1985). Upon reflection, the Court, exercising its

discretion, modifies defendant's sentences as follows:


Count 1 - Three (3) years in prison.

Counts 2,3,4,5,6,7,8,9,10,11,12 & 13 - Three (3) years in prison and Special Parole Term of four (4) years.

Count 55 - Three (3) years in prison and Special Parole Term of four (4) years. Sentence of imprisonment imposed in Counts 2 through 13 and 55 to run concurrently with sentence imposed in Count 1.

Count 80 - Sentence suspended and defendant placed on probation for a period of four (4) years to commence upon expiration of sentence of imprisonment imposed in Count 55.

IT IS SO ORDERED, this 27th day of February, 1986.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

NORTHERN DISTRICT OF OKLAHOMA

DEFENDANT

FINIS W. SMITH

DOCKET NO.

84-CR-60-01-C

JUDGMENT AND PROBATION/COMMITMENT ORDERIn the presence of the attorney for the government
the defendant appeared in person on this date

MONTH	DAY	YEAR
02	28	1986

COUNSEL

☐ WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

☒ WITH COUNSEL Carl Hughes, retained

(Name of Counsel)

PLEA

☐ GUILTY, and the court being satisfied that
there is a factual basis for the plea,☐ NOLO CONTENDERE, ☒ NOT GUILTYFINDING &
JUDGMENTThere being a ~~finding~~/verdict of☐ NOT GUILTY. Defendant is discharged☒ GUILTY.

Defendant has been convicted as charged of the offense(s) of having violated Title 18, U.S.C., §§371 and 1341; Title 26, U.S.C., §§7201 and 7206(1); and Title 31, U.S.C., §§1059 and 5322(b) as charged in Counts 1 through 6 and Counts 8 through 18 of the Indictment.

SENTENCE
OR
PROBATION
ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that: The defendant is hereby sentenced to be imprisoned for a period of

[SEE ATTACHED PAGES 2 AND 3 FOR JUDGMENT AND SENTENCE
AND ORDERS OF THE COURT]SPECIAL
CONDITIONS
OF
PROBATION**FILED**

FEB 28 1986

Jack C. Silver, Clerk
U. S. DISTRICT COURTADDITIONAL
CONDITIONS
OF
PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period

COMMITMENT
RECOMMEN-
DATION

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver
a certified copy of this judgment
and commitment to the U.S. Mar-
shal or other qualified officer.

SIGNED BY

☒ U.S. District Judge☐ U.S. Magistrate

H. Dale Cook

Date

February 28, 1986

84-CR-60-01-C

U. S. A. v. Finis W. Smith

The defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of:

Count 1 - 3 years, plus \$1,000 fine.

Count 2 - 3 years, plus \$1,000 fine, to run consecutive to sentence imposed in Count 1.

Count 3 - 3 years, plus \$1,000 fine, to run concurrent to sentence imposed in Count 1.

Count 4 - 3 years, plus \$1,000 fine, to run concurrent to sentence imposed in Count 1.

Count 5 - 4 years, plus \$10,000 fine, to run concurrent to sentence imposed in Count 1.

Count 6 - 2 years, plus \$2,000 fine, to run concurrent to sentence imposed in Count 2.

Count 8 - 3 years, plus \$4,000 fine, to run concurrent to sentence imposed in Count 1.

Count 9 - 2 years, plus \$2,000 fine, to run concurrent to sentence imposed in Count 2.

Count 10 - 2 years, plus \$2,000 fine, to run concurrent to sentence imposed in Count 2.

Count 11 - 2 years, plus \$2,000 fine, to run concurrent to sentence imposed in Count 1.

Count 12 - 2 years, plus \$2,000 fine, to run concurrent to sentence imposed in Count 2.

Count 13 - 2 years, plus \$2,000 fine, to run concurrent to sentence imposed in Count 2.

Count 14 - 4 years, to run concurrent to sentence imposed in Count 1.


Count 15 - 4 years, to run concurrent to sentence imposed in Count 1.

Count 16 - 4 years, to run concurrent to sentence imposed in Count 1.

Count 17 - 4 years, to run concurrent to sentence imposed in Count 1.

Count 18 - 4 years, to run concurrent to sentence imposed in Count 1.

IT IS FURTHER ORDERED that the defendant shall stand committed until said fines are paid or until released according to law.



H. Dale Cook, Chief Judge
February 28, 1986

84-CR-60-01-C

U. S. A. v. Finis W. Smith

IT IS FURTHER ORDERED that the defendant, Finis W. Smith, shall be held jointly responsible with his co-defendant, Doris L. Smith, for the payment of the costs of prosecution in the amount of \$30,854.00.

IT IS FURTHER ORDERED that the execution of sentence is deferred until 9:00 a.m., March 31, 1986, at which time the defendant shall be permitted to surrender directly to the institution as designated by the U. S. Marshal.


H. Dale Cook, Chief Judge
February 28, 1986

DEFENDANT

DORIS L. SMITH

DOCKET NO.

84-CR-60-02-C

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO 245-1-52

In the presence of the attorney for the government
the defendant appeared in person on this date

MONTH	DAY	YEAR
02	28	1986

COUNSEL

☐ WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

☒ WITH COUNSEL E. J. Ball, retained

(Name of Counsel)

PLEA

☐ GUILTY, and the court being satisfied that
there is a factual basis for the plea,☐ NOLO CONTENDERE, ☒ NOT GUILTYFINDING &
JUDGMENTThere being ~~XXXXX~~ verdict of { ☐ NOT GUILTY. Defendant is discharged
☒ GUILTY.

Defendant has been convicted as charged of the offense(s) of having violated Title 18, U.S.C., §§371 and 1341; Title 26, U.S.C., §§7201, 7206(1) and (2); Title 31, U.S.C., §§1059 and 5322(b), as charged in Counts 1 through 5 and Counts 7 through 18 of the Indictment.

SENTENCE
OR
PROBATION
ORDERThe court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that: ~~The defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of~~[SEE ATTACHED PAGES 2 AND 3 FOR JUDGMENT AND SENTENCE
AND ORDERS OF THE COURT]SPECIAL
CONDITIONS
OF
PROBATION**FILED**

FEB 28 1986

Jack C. Silver, Clerk
U. S. DISTRICT COURTADDITIONAL
CONDITIONS
OF
PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period

COMMITMENT
RECOMMEN-
DATION

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver
a certified copy of this judgment
and commitment to the U.S. Mar-
shal or other qualified officer.

SIGNED BY

☒ U.S. District Judge☐ U.S. Magistrate

H. Dale Cook

Date February 28, 1986

84-CR-60-02-C

U. S. A. v. Doris L. Smith

The defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of:

Count 1 - 3 years, plus \$1,000 fine.

Count 2 - 3 years, plus \$1,000 fine, to run consecutive to sentence imposed in Count 1.

Count 3 - 3 years, plus \$1,000 fine, to run concurrent to sentence imposed in Count 1.

Count 4 - 3 years, plus \$1,000 fine, to run concurrent to sentence imposed in Count 1.

Count 5 - 4 years, plus \$10,000 fine, to run concurrent to sentence imposed in Count 1.

Count 7 - 2 years, plus \$2,000 fine, to run concurrent to sentence imposed in Count 1.

Count 8 - 3 years, plus \$4,000 fine, to run concurrent to sentence imposed in Count 1.

Count 9 - 2 years, plus \$2,000 fine, to run concurrent to sentence imposed in Count 2.

Count 10 - 2 years, plus \$2,000 fine, to run concurrent to sentence imposed in Count 2.

Count 11 - 2 years, plus \$2,000 fine, to run concurrent to sentence imposed in Count 1.

Count 12 - 2 years, plus \$2,000 fine, to run concurrent to sentence imposed in Count 2.

Count 13 - 2 years, plus \$2,000 fine, to run concurrent to sentence imposed in Count 2.

Count 14 - 4 years, to run concurrent to sentence imposed in Count 1.

Count 15 - 4 years, to run concurrent to sentence imposed in Count 1.

Count 16 - 4 years, to run concurrent to sentence imposed in Count 1.

Count 17 - 4 years, to run concurrent to sentence imposed in Count 1.

Count 18 - 4 years, to run concurrent to sentence imposed in Count 1.

IT IS FURTHER ORDERED that the defendant shall stand committed until said fines are paid or until released according to law.


H. Dale Cook, Chief Judge

84-CR-60-02-C

U. S. A. v. Doris L. Smith

IT IS FURTHER ORDERED that the defendant, Doris L. Smith, shall be held jointly responsible with her co-defendant, Finis W. Smith, for the payment of the costs of prosecution in the amount of \$30,854.00.

IT IS FURTHER ORDERED that the execution of sentence is deferred until 9:00 a.m., March 31, 1986, at which time the defendant shall be permitted to surrender directly to the institution as designated by the U. S. Marshal.


H. Dale Cook, Chief Judge

TODD EMMANUEL LICK

DOCKET NO. 85-CR-162-E

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO-245 f9/82

MONTH	DAY	YEAR
2	27	86

1 WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

☒ WITH COUNSEL Richard Winterbottom, Federal Public Defender

(Name of Counsel)

FILED

FEB 27 1986

Jack C. Silver, Clerk
U.S. DISTRICT COURT

☒ **GUILTY**, and the court being satisfied that there is a factual basis for the plea.

☐ NOLO CONTENDERE, ☐ NOT GUILTY

There being a finding/verdict of

☐ NOT GUILTY. Defendant is discharged

X GUILTY.

Defendant has been convicted as charged of the offense(s) of having violated Title 18, U.S.C., Section 491, as charged in Count 1 of the Information.

FINDING & JUDGMENT

**SENTENCE
OR
PROBATION
ORDER**

[illegible]

The imposition of sentence in Count 1 is hereby suspended and the defendant is placed on probation for a period of Six (6) Months from this date.

**SPECIAL
CONDITIONS
OF
PROBATION**

The Defendant is to remain employed in Tulsa, Oklahoma metropolitan area during his probationary period. Further, the defendant is to pay restitution in the amount of Forty Dollars and no/100 (\$40.00) at the direction of the U. S. Probation Office. Finally, the Defendant is to pay a Special Monetary Assessment of Twenty-five dollars and no/100 (\$25.00) by February 28, 1986.

ADDITIONAL
CONDITIONS
OF
PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT
RECOMMEN-
DATION

The court orders commitment to the custody of the Attorney General and recommends

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

SIGNED BY

 U S District Judge

X U.S. Magistrate

John Leo Wagner

Date 2-27-86

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TODD EMMANUEL LICK,

Defendant.

FILED

FEB 27 1986

Jack C. Silver, Clerk
U.S. DISTRICT COURT

No. 85-CR-162-E

ORDER FOR DISMISSAL

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure and by leave of court endorsed hereon, the United States Attorney for the Northern District of Oklahoma hereby moves to dismiss with prejudice Count Two of the Indictment against TODD EMMANUEL LICK, defendant.

LAYN R. PHILLIPS
United States Attorney

Ben F. Baker

Assistant United States Attorney

Leave of court is granted for the filing of the foregoing dismissal, and it is so ordered.

[Signature]
United States District Judge
MAGISTRATE

Date: 2-27-86

Entered

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GREGORY THOMAS WEST,

Defendant.

FILED

1986 FEB 27

Jack C. Silver, Clerk
U. S. DISTRICT COURT

No. 85-CR-107-06-B

ORDER FOR DISMISSAL

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, and by leave of court endorsed hereon, the United States Attorney for the Northern District of Oklahoma hereby moves to dismiss, with prejudice, the INDICTMENT and the SUPERSEDING INDICTMENT against GREGORY THOMAS WEST.

Respectfully submitted,

LAYN R. PHILLIPS
United States Attorney

NOTE: THIS ORDER IS TO BE MAILED
BY MOVANT TO ALL COUNSEL AND
PRO SE LITIGANTS IMMEDIATELY
UPON RECEIPT.

Kenneth P. Snoke
KENNETH P. SNOKE
Assistant United States Attorney

Good cause appearing, it is so ORDERED.

THOMAS R. BRETT

United States District Judge

Date: February 24, 1986

DEFENDANT

MARY FRANCINE CHRISTIAN,
a/k/a "Francine"

NORTHERN DISTRICT OF OKLAHOMA

DOCKET NO. 85-CR-68-05-E

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO 245 (9-82)

In the presence of the attorney for the government
the defendant appeared in person on this date

MONTH	DAY	YEAR
2	27	86

COUNSEL

☐ WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have
counsel appointed by the court and the defendant thereupon waived assistance of counsel.

☒ WITH COUNSEL Ron Mack, Retained

(Name of Counsel)

FILED

FEB 27 1986

PLEA

☒ GUILTY, and the court being satisfied that
there is a factual basis for the plea,☐ NOLO CONTENDERE, ☐ NOT GUILTY

Jack C. Silver, Clerk
U. S. DISTRICT COURT

FINDING &
JUDGMENT

There being a finding/verdict of

☐ NOT GUILTY. Defendant is discharged☒ GUILTY.

Defendant has been convicted as charged of the offense(s) of **having violated Title 21, U.S.C.,
Section 843(b), as charged in Count ten of the Indictment.**

SENTENCE
OR
PROBATION
ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary
was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that: The defendant is
hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of
XX

**COUNT 10 - The imposition of sentence is suspended and the defendant
is hereby placed on probation for a period of FORTY TWO
(42) MONTHS from this date.**

**IT IS FURTHER ORDERED that the defendant pay an assessment
of \$50.00.**

SPECIAL
CONDITIONS
OF
PROBATIONADDITIONAL
CONDITIONS
OF
PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the
reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and
at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and
revoke probation for a violation occurring during the probation period.

COMMITMENT
RECOMMEN-
DATION

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver
a certified copy of this judgment
and commitment to the U.S. Mar-
shal or other qualified officer.

CERTIFIED AS A TRUE COPY ON

SIGNED BY

☒ U.S. District Judge☐ U.S. Magistrate

JAMES O. ELLISON

Date

2-27-86

THIS DATE

By

() CLERK

() DEPUTY

DEFENDANT

EDWARD L. HOBBS

DOCKET NO

85-CR-148-BT

JUDGMENT AND PROBATION/CXXXXXXXXXXXXXXXXXXXXX ORDER

In the presence of the attorney for the government
the defendant appeared in person on this date _____

MONTH	DAY	YEAR
02	20	86

COUNSEL

☐ WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

☒ WITH COUNSEL Richard Winterbottom, Appointed Counsel
(Name of Counsel)

(Name of Counsel)

PLEA

X GUILTY, and the court being satisfied that there is a factual basis for the plea,

1 NOLO CONTENDERE,

NOT GUILTY FEB 20 1986

Jack C. Silver, Clerk
U. S. DISTRICT COURT

FINDINGS & JUDGMENT

There being a finding/XXXXX of

☐ NOT GUILTY. Defendant is discharged

X **GUILTY.**

Defendant has been convicted as charged of the offense(s) of having violated Title 42, U.S.C., Section 408(c) as charged in Count One of the Indictment.

SENTENCE
OR
PROBATION
ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that: XXX

Count 1 - Imposition of sentence is suspended and the defendant is placed on probation for a period of Five (5) years.

**SPECIAL
CONDITIONS
OF
PROBATION**

IT IS FURTHER ORDERED that the defendant is to make restitution in the amount of \$28,662.30 as directed by the U.S. Probation Office.

ADDITIONAL
CONDITIONS
OF
PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT
RECOMMEN-
DATION

The court orders commitment to the custody of the Attorney General and recommends,

Approved as to form:

Keith W. Paul

Keith Ward
Asst. U.S. Attorney

SIGNED BY

XX U.S. District Judge

U S Magistrate

THOMAS R. BRETT

Date 2-20-86

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED
IN OPEN COURT

FEB 20 1986

Jack C. Silver, Clerk
U. S. DISTRICT COURT

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

EDWARD L. HOBBS,)


Defendant.)

No. 85-CP-148-B

MOTION AND ORDER OF DISMISSAL

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure by leave of court endorsed hereon, the United States Attorney for the Northern District of Oklahoma hereby moves to dismiss with prejudice Counts Two, Three and Four of the Indictment against EDWARD L. HOBBS defendant.

LAYN R. PHILLIPS
United States Attorney


Assistant United States Attorney

Leave of court is granted for the filing of the foregoing motion to dismiss and the Court hereby orders dismissal of the requested counts of the Indictment.


United States District Judge

Date: February 20, 1986.

DEFENDANT

DONALD BECK PATE

NORTHERN DISTRICT OF OKLAHOMA

DOCKET NO. 85-CR-121-C

JUDGMENT AND PROBATION/COMMITMENT ORDER

In the presence of the attorney for the government
the defendant appeared in person on this date

MONTH	DAY	YEAR
02	20	1986

COUNSEL

☐ WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

☒ WITH COUNSEL

Mike Aranson, retained

(Name of counsel)

FILED

PLEA

☐ GUILTY, and the court being satisfied that there is a factual basis for the plea,☐ NOLO CONTENDERE,☒ NOT GUILTY

FEB 20 1986

Jack C. Silver, Clerk
U. S. DISTRICT COURT

FINDING & JUDGMENT

There being a ~~verdict~~ verdict of☐ NOT GUILTY. Defendant is discharged☒ GUILTY.

Defendant has been convicted as charged of the offense(s) of having violated Title 18, U.S.C., \$2314, as charged in Counts 1 and 2 of the Indictment.

SENTENCE OR PROBATION ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that: The defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of

pursuant to Title 18, U.S.C., §4205(b)(2)
Count 1 - Two (2) Years, together with a special assessment in the amount of \$50.00. In addition, the defendant shall pay a fine unto the United States of America in the amount of \$5,000.00 and defendant shall stand committed until said fine is paid or released according to law.

SPECIAL CONDITIONS OF PROBATION

Count 2 - The imposition of sentence is hereby suspended and the defendant is placed on probation for a period of Five (5) Years, to commence upon the expiration of the sentence imposed in Count 1. In addition, the defendant shall pay a special assessment in the amount of \$50.00.

ADDITIONAL CONDITIONS OF PROBATION

IT IS FURTHER ORDERED that the imposition of sentence is deferred until March 10, 1986, 9:00 a.m., at which time defendant shall be allowed to surrender directly to the institution as designated by the U.S. Marshal. In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT RECOMMENDATION

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

SIGNED BY

☒ U.S. District Judge☐ U.S. Magistrate

H. Dale Cook

Date February 20, 1986

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

FEB 19 1986

JACK C. SILVER, CLERK
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
DAVID LEROY WIGGIN,)
)
Defendant.) No. 85-CR-169-C

ORDER FOR DISMISSAL

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, and by leave of court endorsed hereon, the United States Attorney for the Northern District of Oklahoma hereby moves to dismiss, with prejudice, the entire Indictment filed in this case against DAVID LEROY WIGGIN, defendant.


Assistant United States Attorney

Good cause appearing, it is so ORDERED.

(Signed) H. Dale Cook

H. DALE COOK, CHIEF
UNITED STATES DISTRICT JUDGE

Date: February 14, 1986

DEFENDANT

HERBERT HUTCHENS

DOCKET NO

85-CR-152-BT

JUDGMENT AND PROBATION ORDER

In the presence of the attorney for the government
the defendant appeared in person on this date

MONTH	DAY	YEAR
02	19	86

COUNSEL

☐ WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

☒ WITH COUNSEL Richard Winterbottom, Appointed Counsel
(Name of Counsel)

PLEA

☒ GUILTY, and the court being satisfied that
there is a factual basis for the plea,

☐ NOLO CONTENDERE,☐ NOT GUILTYFINDING &
JUDGMENT

There being a finding/XXXXXX of

☐ NOT GUILTY. Defendant is discharged☒ GUILTY.

Defendant has been convicted as charged of the offense(s) of having violated Title 42, U.S.C.,
Section 408(c) as charged in Count One of the Indictment.

SENTENCE
OR
PROBATION
ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that: XXXXXXXXX
XX

Count 1 - Imposition of sentence is suspended and the defendant is
placed on probation for a period of Five (5) years.

SPECIAL
CONDITIONS
OF
PROBATION

IT IS FURTHER ORDERED that the defendant make restitution in the
amount of \$20,730.00 as directed by the U.S. Probation Office.

ADDITIONAL
CONDITIONS
OF
PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period

COMMITMENT
RECOMMEN-
DATION

The court orders commitment to the custody of the Attorney General and recommends,

Approved as to form:

Keith Ward
Keith Ward

Asst. U.S. Attorney

SIGNED BY

☒ U.S. District Judge☐ U.S. Magistrate

Thomas R. Brett
THOMAS R. BRETT

Date

2-19-86

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer

FILED
IN OPEN COURT
FEB 19 1986
Jack C. Silver, Clerk
U. S. DISTRICT COURT

No. 85-CR-152-B

DEFENDANT

JESUS E. MENDEZ

DOCKET NO.

85-CR-117-BT

JUDGMENT AND COMMITMENT ORDERIn the presence of the attorney for the government
the defendant appeared in person on this date

MONTH	DAY	YEAR
02	19	86

COUNSEL

☐ WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

☒ WITH COUNSEL Samuel P. Manipella, Retained Counsel

(Name of Counsel)

PLEA

☒ GUILTY, and the court being satisfied that
there is a factual basis for the plea,☐ NOLO CONTENDERE,☐ NOT GUILTY

There being a finding/XXXX of

☐ NOT GUILTY. Defendant is discharged☒ GUILTY.FINDING &
JUDGMENTDefendant has been convicted as charged of the offense(s) of having violated Title 21, U.S.C.,
Section 843(b) as charged in the one count superseding information.SENTENCE
OR
PROBATION
ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that: The defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of

Count 1 - Eighteen (18) months.

SPECIAL
CONDITIONS
OF
PROBATIONIT IS FURTHER ORDERED that the execution of the sentence is deferred
until 11:00 a.m. on Monday, March 10, 1986, at which time the
defendant is to present himself to the designated institution.
U.S. Marshal to advise of the designated institution.ADDITIONAL
CONDITIONS
OF
PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period

COMMITMENT
RECOMMEN-
DATION

The court orders commitment to the custody of the Attorney General and recommends.

Approved as to form:



Jack Morgan

Asst. U.S. Attorney

that the defendant
receive drug treatment
and supervision.It is ordered that the Clerk deliver
a certified copy of this judgment
and commitment to the U.S. Mar-
shal or other qualified officer

SIGNED BY

☒ U.S. District Judge☐ U.S. Magistrate

THOMAS R. BRETT

Date

2-19-86

FILED
FEB 19 1986
JACK C. SILVER, CLERK
U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED
IN OPEN COURT
FEB 19 1986

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JESUS E. MENDEZ,

Defendant.

No. 85-CR-117-B

Jack C. Silver, Clerk
U. S. DISTRICT COURT


ORDER FOR DISMISSAL

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, and by leave of court endorsed hereon, the United States Attorney for the Northern District of Oklahoma hereby moves to dismiss, with prejudice, the INDICTMENT against JESUS E. MENDEZ.


JOHN S. MORGAN

Assistant United States Attorney

Good cause appearing, it is so ORDERED.


United States District Judge

Date: February 19, 1986

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EDWARD R. DAVIS,
BYRON LEE HAZEL and
MICHAEL B. HAZEL,

Defendants.

FEB 12 1986

Jack C. Silver, Clerk
U. S. DISTRICT COURT

No. 86-CR-05-01-02-06-E

ORDER FOR DISMISSAL WITH PREJUDICE

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, and by leave of court endorsed hereon, the United States Attorney for the Northern District of Oklahoma hereby moves to dismiss, with prejudice, COUNT SEVEN only, as to defendants BYRON LEE HAZEL, MICHAEL B. HAZEL and EDWARD R. DAVIS, on the grounds of former state prosecution as established in Tulsa County District Court, Case No. CRF-84-3261.



JOHN S. MORGAN

Assistant United States Attorney

Good cause appearing, it is so ORDERED.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

Date: February , 1986

4461764

STATE OF OKLAHOMA,
COUNTY OF TULSA, } ss.

In the District Court of Tulsa County, Oklahoma

THE STATE OF OKLAHOMA

Plaintiff,

BYRON LEE HAZEL

vs. 4461764

MICHAEL BYRON HAZEL

6242 S. 44 W. Av.

Defendant.

No. CRF 84 3261
PRELIMINARY

INFORMATION FOR

UNLAWFUL DELIVERY OF CONTROLLED DRUG
63-2-401 (B-2)

Hopper

BE IT REMEMBERED:

That DAVID MOSS, the duly qualified and acting DISTRICT ATTORNEY FOR TULSA COUNTY, OKLAHOMA, who prosecutes in the name and by the authority of THE STATE OF OKLAHOMA, comes now into the District Court of Tulsa County, State of Oklahoma, and gives the Court to understand and be informed that BYRON LEE HAZEL AND MICHAEL BYRON HAZEL

on or about the 21st day of June, A. D. 1984, in Tulsa County, State of Oklahoma and within the jurisdiction of this Court, did unlawfully, feloniously

and willfully; while acting in concert each with the other, deliver and distribute amphetamine to one GEORGE DWINNELLS said drug being classified as a controlled dangerous substance in Schedule II of the Uniform Controlled Dangerous Substances Act of this State,

9-11-84 —

Bond 2000.00

Dorothy Bales
9-24-84

ext. 2391

DISTRICT COURT
FILED

JUN 20 1984
DON E. AUSTIN, COURT CLERK
STATE OF OKLA. TULSA, COUNTY

9/6/84
Called Jim Baker
no fed. charges

contrary to the form of the Statutes in such cases made and provided, and against the peace and dignity of the State.

STATE OF OKLAHOMA,
COUNTY OF TULSA, } ss.

DAVID MOSS, District Attorney

By Mark Lyons

Assistant.

L. H. SPRAGUE

I, being duly sworn on oath, say that the statements set forth in the above information are true.

Subscribed and sworn to me this 30th day of August, 1984

Don E. Austin, Court Clerk

WITNESSES

a/k/a Dale from Arkansas

By Lee Carner

Deputy.

GEORGE DWINNELLS, c/o L. H. Sprague, Tulsa Police Dept., Tulsa, Ok

CPL. L. H. SPRAGUE, OFFICER M. A. SIEBERT, OFFICER D. J. ARENT, OFFICER F. W. DEMIER, Tulsa Police Dept., Tulsa, Ok

CHEMISTS PAUL SCHROEDER, ROWLAND POGUE, Tulsa Police Dept., Tulsa, Ok

LORAIN LYONS

EXHIBIT "A"

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

rm FEB -7 1986

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FINIS W. SMITH, and
DORIS L. SMITH,

Defendants.

JACK C. SILVER, CLERK
U.S. DISTRICT COURT


No. 84-CR-60 ✓

ORDER

Now before the Court for its consideration are the Motions of defendants for New Trial, for Acquittal NOV and for Arrest of Judgment, filed herein on December 12, 1985. The government's having responded, the matter is now ready for this Court's consideration.

Based upon a thorough review of these motions, briefs in support thereof, and the applicable law, it is the Order of this Court that said motions should be and hereby are overruled.

IT IS SO ORDERED this 7th day of February, 1986.


H. DALE COOK
Chief Judge, U. S. District Court

~~NORTHERN DISTRICT OF OKLAHOMA~~

DEFENDANT

MARY FRANCINE CHRISTIAN,
A/K/A "FRANCINE"

DOCKET NO. 85 CR 168-05-B

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO 245 (9-82)

COUNSEL

In the presence of the attorney for the government
the defendant appeared in person on this date

MONTH 2 DAY 7 YEAR 86

☐ WITHOUT COUNSEL

However, the court advised defendant of right to counsel and asked whether defendant desired to have
counsel appointed by the court and the defendant thereupon waived assistance of counsel

☒ WITH COUNSEL

RON MOOK, Retained

(Name of Counsel)

FILED

FEB 7 1986

PLEA

☒ GUILTY, and the court being satisfied that
there is a factual basis for the plea,

☐ NOLO CONTENDERE,

☐ NOT GUILTY

Jack C. Silver, Clerk
U. S. DISTRICT COURT

FINDING &
JUDGMENT

There being a finding/verdict of

☐ NOT GUILTY. Defendant is discharged

☒ GUILTY.

Defendant has been convicted as charged of the offense(s) of
Section 843(b), as charged in Count ten of the indictment. having violated Title 21, U.S.C.,

SENTENCE
OR
PROBATION
ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary
was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that: The defendant is
hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of

COUNT 10 - The imposition of sentence is suspended and the defendant
is hereby placed on probation for a period of FORTY TWO
(42) MONTHS from this date.

SPECIAL
CONDITIONS
OF
PROBATION

IT IS FURTHER ORDERED that the defendant pay an assessment
of \$50.00.

ADDITIONAL
CONDITIONS
OF
PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the
reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and
at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and
revoke probation for a violation occurring during the probation period.

COMMITMENT
RECOMMEN-
DATION

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver
a certified copy of this judgment
and commitment to the U.S. Mar-
shal or other qualified officer.

CERTIFIED AS A TRUE COPY ON

SIGNED BY

☒ U.S. District Judge

☐ U.S. Magistrate

JAMES O. ELLISON

2-7-86

THIS DATE

By

() CLERK
() DEPUTY

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED
IN OPEN COURT

FEB 7 1986

Jack C. Silver, Clerk
U. S. DISTRICT COURT

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARY FRANCINE CHRISTIAN,

Defendant.

No. 85-CR-68-E

ORDER FOR DISMISSAL

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, and by leave of court endorsed hereon, the United States Attorney for the Northern District of Oklahoma hereby moves to dismiss, with prejudice, the entire original Indictment filed May 8, 1985; and Counts One, Eleven and Twelve of the Superseding Indictment filed June 5, 1985 in this case, against MARY FRANCINE CHRISTIAN, defendant.

Frank H. McCarthy
Assistant United States Attorney

Good cause appearing, it is so ORDERED.

James D. Quinn
UNITED STATES DISTRICT JUDGE

Date: February 7, 1986

DEFENDANT

MICKEY CROCKER

DOCKET NO

85-CR-106-02-BT

JUDGMENT AND PROBATION/COMMITMENT ORDER

In the presence of the attorney for the government
the defendant appeared in person on this date

MONTH	DAY	YEAR
02	07	86

COUNSEL

☐ WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

☒ WITH COUNSEL

Paul Brunton, Retained Counsel

(Name of Counsel)

PLEA

☒ GUILTY, and the court being satisfied that
there is a factual basis for the plea,☐ NOLO CONTENDERE,☐ NOT GUILTYFINDING &
JUDGMENT

There being a finding/verdict of

☐ NOT GUILTY. Defendant is discharged☒ GUILTY.

Defendant has been convicted as charged of the offense(s) of having violated Title 21, U.S.C.,
Section 843(b) as charged in Counts 1 & 2 of the superseding
Information.

SENTENCE
OR
PROBATION
ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that: The defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of

Count 1 - Three (3) years pursuant to Title 18, U.S.C., Section 4205(b)(2), to run concurrent with the sentence imposed in case 83-CR-133-BT.

Count 2 - Imposition of sentence is suspended and the defendant is placed on probation for a period of Two (2) years to commence upon the expiration of the sentence imposed in Count 1.

SPECIAL
CONDITIONS
OF
PROBATION

IT IS FURTHER ORDERED that the execution of this sentence is deferred until 11:00 a.m. on Monday, March 3, 1986 at which time the defendant is to present himself to the designated institution. U.S. Marshal to advise of designated institution.

ADDITIONAL
CONDITIONS
OF
PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT
RECOMMEN-
DATION

The court orders commitment to the custody of the Attorney General and recommends,

Approved as to form:

Kenneth P. Snoke
Kenneth P. Snoke
Asst. U.S. Atty.

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

SIGNED BY

☒ U.S. District Judge☐ U.S. Magistrate

THOMAS R. BRETT

Date

2-7-86

FILED

FEB - 7 1986

ACIC SEVER, CLERK
U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

FEB -7 1986

JACK C. SILVER, CLERK
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICKEY CROCKER,

Defendant.

No. 85-CR-106-B

ORDER FOR DISMISSAL

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, and by leave of court endorsed hereon, the United States Attorney for the Northern District of Oklahoma hereby moves to dismiss, with prejudice, the entire original Indictment filed August 7, 1985 in this case, against MICKEY CROCKER, defendant.


Assistant United States Attorney

Good cause appearing, it is so ORDERED.


UNITED STATES DISTRICT JUDGE

Date: February 7, 1986

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

FEB 6 1986

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ERNEST D. THACKER,

Defendant.

Jack C. Silver, Clerk
U. S. DISTRICT COURT


No. 85-CR-107-B ✓

ORDER FOR DISMISSAL

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, and by leave of court endorsed hereon, the United States Attorney for the Northern District of Oklahoma hereby moves to dismiss, with prejudice, the original Indictment, filed August 7, 1985 in this case, against ERNEST D. THACKER, defendant, only.


Assistant United States Attorney

Good cause appearing, it is so ORDERED.


UNITED STATES DISTRICT JUDGE

Date: February , 1986

DEFENDANT

GORDON R. FREY

NORTHERN DISTRICT OF OKLAHOMA

DOCKET NO.

85-CR-137-1

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO 245 (9-82)

In the presence of the attorney for the government the defendant appeared in person on this date

MONTH DAY YEAR
2 3 86

COUNSEL

☐ WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

☒ WITH COUNSEL

Richard Winterbottom, FPD

(Name of Counsel)

FILED

FEB 23 1986

PLEA

☒ GUILTY, and the court being satisfied that there is a factual basis for the plea,

☐ NOLO CONTENDERE,

☐ NOT GUILTY

FINDING & JUDGMENT

There being a finding/verdict of

☐ NOT GUILTY. Defendant is discharged

☒ GUILTY.

Defendant has been convicted as charged of the offense(s) of having violated Title 42, U.S.C., Section 408(c), as charged in Court two of the indictment.

John C. Silver, Clerk
U.S. DISTRICT COURT

SENTENCE OR PROBATION ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that: The defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a term of FIVE (5) YEARS.

COURT 3 - The imposition of sentence is suspended and the defendant is hereby placed on probation for a period of FIVE (5) YEARS from this date.

SPECIAL CONDITIONS OF PROBATION

IT IS FURTHER ORDERED that the defendant make restitution in the amount of \$30,148.50, in payments as determined by the Probation Office.

ADDITIONAL CONDITIONS OF PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT RECOMMENDATION

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

CERTIFIED AS A TRUE COPY ON

THIS DATE

By

() CLERK
() DEPUTY

SIGNED BY

☒ U.S. District Judge

☐ U.S. Magistrate

HAMES G. ELLISON

Date 2-3-86

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED
IN OPEN COURT

FEB 3 1986

Jack C. Silver, Clerk
U. S. DISTRICT COURT

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GORDON R. FREY,

Defendant.

No. 85-CR-137-E

MOTION AND ORDER OF DISMISSAL

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure by leave of court endorsed hereon, the United States Attorney for the Northern District of Oklahoma hereby moves to dismiss with prejudice Counts One, Two and Four of the Indictment against GORDON R. FREY defendant.

LAYN R. PHILLIPS
United States Attorney

Kurt Ward
Assistant United States Attorney

Leave of court is granted for the filing of the foregoing motion to dismiss and the Court hereby orders dismissal of the requested counts of the Indictment.

James D. Linn
United States District Judge

Date: Feb 3, 1986

United States District Court for
THE NORTHERN DISTRICT OF OKLAHOMA

DEFENDANT

WESLEY R. MCKINNEY

85-CR-69-BT

In the presence of the attorney for the government
the defendant appeared in person on this date

MONTH	DAY	YEAR
02	03	86

COUNSEL

☐ WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

☒ WITH COUNSEL Gary Richardson, Greg Meier & Judith Brune, Retained
(Name of Counsel) Counsels

PLEA

☐ GUILTY, and the court being satisfied that
there is a factual basis for the plea,

☐ NOLO CONTENDERE, ☒ NOT GUILTY

FILED

FEB - 3 1986

FINDING &
JUDGMENT

There being a ~~XXXXX~~ verdict of

☐ NOT GUILTY. Defendant is discharged

☒ GUILTY.

Defendant has been convicted as charged of the offense(s) of having violated Title 18, U.S.C.,
Sections 371, 656, 657, 1007 & 2 as charged in Counts 1 thru 30 of
the Indictment and Counts 31 & 32 of the Superseding Information.

SENTENCE
OR
PROBATION
ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that: The defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of

Count 1 - Five (5) years pursuant to Title 18, U.S.C., Section 4205(b)(2), a fine of \$7,000.00 and defendant is ordered to make restitution in the amount of \$83,252.00 pursuant to Title 18, U.S.C., Section 3579.

Count 2 - Five (5) years pursuant to Title 18, U.S.C., Section 4205(b)(2), to run consecutive to the sentence imposed in Count 1, and a fine of \$3,000.00.

Counts 3 - Imposition of sentence is suspended as to each count and thru the defendant is placed on probation for a term of five 32 (5) years to commence upon the expiration of the sentence imposed in Count 2, and a fine of \$3,000.00 as to each count.

ADDITIONAL
CONDITIONS
OF
PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT
RECOMMEN-
DATION

The court orders commitment to the custody of the Attorney General and recommends,

Approved as to form:

that the defendant be
considered for placement
in F.C.I., Lompoc, CA.

Layn R. Phillips
U.S. Attorney

(minimum security institution) because his
elderly mother and other family members reside
in San Jose, CA.

It is ordered that the Clerk deliver
a certified copy of this judgment
and commitment to the U.S. Mar-
shal or other qualified officer.

SIGNED BY

☒ U.S. District Judge

☐ U.S. Magistrate

THOMAS R. BRETT

Date 2-3-86

CONTINUED JUDGMENT AND PROBATION/COMMITMENT ORDER

85-CR-69-BT

USA vs. WESLEY R. McKINNEY

IT IS FURTHER ORDERED that the defendant shall pay the fines and restitution as directed by the U.S. Probation Office.

IT IS FURTHER ORDERED that the execution of the sentence is deferred until February 24, 1986 at 11:00 a.m., at which time the defendant is to present himself to the designated institution. U.S. Marshal is to advise of the designated institution.